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Chairman: Mr. Rachkov (Vice-Chairman) ..... (Belarus)

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In the absence of the Chairman, Mr. Rachkov (Belarus), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/61/18, A/61/186, A/61/260 and A/61/335)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/61/337)

Agenda item 66: Right of peoples to self-determination (*continued*) (A/61/333 and A/61/341)

1. **Mr. Afifi** (Egypt) said that, despite the efforts made since the adoption of the Durban Declaration and Programme of Action, there were alarming indications of a rise in racism, racial discrimination and xenophobia, including a gradual increase in ultra-nationalist, extremist and racist movements. The line between combating terrorism and unwarranted discrimination against peoples on a religious and racial basis was becoming blurred, and any attempted justification of such discrimination must be confronted. The most worrisome recent trend was the rise of xenophobia among well-rooted democracies that traditionally had placed human rights at the top of their political and social agendas. In the view of his delegation, some controls should be placed on mass media to prevent them from advocating for racism, xenophobia and religious hatred.

2. It was not possible to discuss racism, racial discrimination and intolerance without mentioning what the Palestinian people were being subjected to on the basis of religion and ethnicity. The continuing construction of the separation wall was an illustration of Israeli actions that undermined the unity of the Palestinian people and their national identity.

3. **Mr. Akram Zaki** (Pakistan) said that the recent report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslims and Arabs in various parts of the world (E/CN.4/2006/54) had noted with concern the legitimization of the racist and xenophobic ideology of extreme right-wing parties for political ends. It was ironic that, since the 2001 Durban World Conference, racial discrimination had gained new political legitimacy in the guise of defending national identity, promoting national preference and combating illegal immigration. The growing political acceptance of racism in many democratic societies had resulted in the erosion of fundamental values and was shaking the very foundations of the democratic system.

4. Despite assurances to the contrary, Islam continued to be identified with terrorism and Muslims continued to be viewed as a security problem, even in historically tolerant Western countries. Hate speech against manifestations of religious and cultural practices must be condemned with the same zeal with which the fight against terrorism was being pursued. The defamation of Islam was the most conspicuous demonstration of contemporary racism and intolerance. Unfortunately, the usually vocal defenders of religious tolerance and non-discrimination — the United Nations, human rights officials and liberal politicians — had been deafening in their silence. There seemed to be a notion that innocent people could be held accountable and victimized for the actions of terrorists just because they shared the same religious beliefs. All religious profiling should be outlawed and Governments should be obliged to ensure the safety of men and women who were being persecuted for the crimes of others.

5. **Mr. Gala Lopez** (Cuba) said that democracy, human rights and true freedom could not coexist with racism, racial discrimination and xenophobia. Yet in many developed countries, right-wing parties had gained power and, after the tragic events of 11 September 2001, the trend towards a xenophobic and anti-immigrant agenda had been reinforced. New manifestations of racism could be seen, ranging from increased restrictions on entry into those countries to racism in sport, especially football. In the United States of America, neo-Fascist organizations were thriving and, although the country had been built by millions of immigrant workers, it was building a wall against them on its southern border. His delegation thus called for immediate implementation of the Durban Declaration and Programme of Action.

6. The right of peoples to self-determination was being violated by the policies of domination and control of developing countries and theories alleging a right to humanitarian intervention. Cuba demanded an immediate withdrawal of Israeli forces from all occupied Arab territories, including Palestine and the Syrian Golan. It also supported the right of the people

of Puerto Rico to self-determination and hoped that they could join the community of nations free of the scourge of colonialism. The United States naval base at Guantánamo, notorious for the torture committed there, was a violation of his country's independence, sovereignty and territorial integrity, and his Government would continue to demand the devolution of that part of its territory that had been illegally usurped.

7. The right of self-determination of peoples mainly in the South faced challenges from a hegemonic power that claimed the unilateral right to launch pre-emptive attacks on any country on the planet. Cuba knew that superpower well, after almost five decades of confrontation and threats. That country continued to impose its blockade on Cuba, but the Cuban people had vowed to defend their right to self-determination until their last drop of blood, and were confident that they would prevail.

8. **Mr. Guo** Jiakun (China) said that racism and racial discrimination were serious violations of human rights, and courage and political will were needed to deal with them on a priority basis. The implementation of the Durban Declaration and Programme of Action had not been completely successful, and his delegation called for a review of its implementation. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/61/335) described ominous trends in rejection of pluralist cultures and spreading of Islamophobia, especially in developed countries.

9. Self-determination was a sacred right, and the international community must fully respect the Charter of the United Nations by protecting and promoting that right through peaceful dialogue. His delegation supported the right of the Palestinian people to self-determination and hoped that a just solution could be found that would bring durable peace to the Middle East.

10. **Mr. Llanos** (Chile) said that efforts to combat discrimination and exclusion were among the five priority areas identified by the Government under President Michelle Bachelet and he outlined some of the initiatives taken by the Government to that end and to build a more democratic and egalitarian society in Chile.

11. With regard to indigenous peoples, the historical truth and reconciliation commission had issued its report, which served as the basis for the development of a reconciliation policy that reflected the culturally diverse nature of Chilean society. New legislation was being developed to prevent and eliminate all forms of discrimination and International Indigenous Women's Day, International Day for the Elimination of Racial Discrimination and International Day for Tolerance were all commemorated during the year.

12. On the international scene, Chile had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It would continue to support the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the development of an inter-American convention against racism and all forms of discrimination and intolerance through the Organization of American States (OAS).

13. **Mr. Nikiforov** (Russian Federation) said that combating racism was a priority for the United Nations. Noting that, in the past, the dangers posed by racism and related phenomena had been underestimated, with sometimes tragic consequences, he expressed concern at increasing calls in various parts of the world to re-examine World War Two and rewrite history. It was also worrying that, in some countries which considered themselves democracies, the anniversary of the liberation from fascism was considered a day of mourning, and those who had engaged in armed struggle against Nazism were the objects of criminal prosecution.

14. Accordingly, a clear message must be sent by the entire international community to those who made dubious use of history, hoping to achieve political gain from the bones of tens of millions of victims who had been annihilated in the name of theories of racial superiority. In that context, a current priority was the development of a clear strategy of united action to implement the outcome of the World Conference against Racism, held in Durban in 2001.

15. At the initiative of the Russian Federation, an important resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" had been adopted during the sixtieth session. The decision of certain States, including some who had been members of the anti-Hitler coalition, to abstain from a vote on the resolution, had been extremely surprising. Noting that

a resolution of the same name would be introduced by the Russian Federation during the current session of the General Assembly, he hoped that those States would amend their position and support the initiative, which was thematic, rather than country-based.

16. The practices condemned in the resolution were among the most pernicious forms of racism and intolerance, which, as stressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, remained common all over the world. Although Europe had been the cradle of democracy, it had also suffered frequent eruptions of racism, ethnocentrism, anti-Semitism, Islamophobia and other forms of intolerance. That, he suggested, might explain in part why the Western countries and their allies had worked to weaken the text of the resolution. He stressed, however, that the resolution was intended as a basis for cooperation and dialogue and not to call particular States to account.

17. **Mr. Shinyo** (Japan) said that, while some major achievements in combating racism could be seen, such as the abolition of apartheid, new developments such as globalization and the growth in the number of migrant workers were creating situations favourable to the spread of racism.

18. Given the vital role to be played by education in preventing racism, school curricula should foster an understanding of history and culture and teach young people to be receptive to different cultures and social classes.

19. In that context, he reviewed joint measures mounted by Japan and the Republic of Korea and by Japan and China, to promote a better understanding of the history of their region and friendly cooperative relations.

20. Expressing appreciation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had visited Japan during the previous year, for his report, he noted, however, that some of the Special Rapporteur's statements lacked accuracy and relevance. The Government of Japan believed that the mandate of the Special Rapporteur should be properly exercised.

21. **Mr. Al Saif** (Kuwait) expressed his concern that some delegations were identifying Islam with terrorism. He agreed with the Special Rapporteur that Islamophobia was more political and ideological than religious in nature and said that Islamophobia and xenophobia, in general, were the result of laws and campaigns aimed at combating terrorism, during which mass media had sown a widespread and unfounded fear of Islam.

22. Kuwait was concerned that the problem of racism had been trivialized by certain extreme-right parties and furthermore that freedom of expression was being used to legitimize racism. Drawing attention to the report of the Special Rapporteur on the situation of Muslims and Arab peoples in various parts of the world (E/CN.4/2006/17), he agreed that the intransigent defence of unlimited freedom of expression was out of step with international norms that sought an appropriate balance between freedom of expression and religious freedom, specifically the prohibition of incitement to religious and racial hatred. He condemned the use of freedom of expression to attack religious convictions.

23. Racism was on the point of becoming the greatest threat to democratic ideals. It was ridiculous to try to interpret the Islamic community's widespread criticism of the defamation of Islam as a simple clash of civilizations, given the obvious deep-rooted multiculturalism of all modern civilizations.

24. **Mr. Omidzamani** (Islamic Republic of Iran) drew attention to Israel's violations of the right of the Palestinian people to self-determination and the massive, well-documented human rights abuses that Israel was perpetrating against them. He noted that the General Assembly and the Human Rights Council had adopted resolutions expressing concerns about those human rights violations, which included collective punishment, confiscation of land, destruction of property, arbitrary arrest of Palestinian officials and other civilians and the destruction of Palestinian infrastructure.

25. In addition, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the occupied Palestinian territories had reported, in his statement to the Human Rights Council in July 2006, that many people in the Gaza Strip were without water and electricity and that food and medicines were scarce. Numerous rounds of artillery had been dropped on Gaza and the people were terrorized by sonic bombs.

26. He called on the United Nations and the Human Rights Council in particular to live up to their responsibilities, take effective measures to put an end to Israeli crimes and provide the Palestinians with protection. The situation was a grave threat to peace in the region.

27. **Mr. Tulbure** (Moldova) said that, while the right of peoples to self-determination was a universally recognized principle of international law, the Vienna Declaration stipulated that self-determination should not be perceived as authorizing or encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States. Accordingly, the principle of self-determination should not be interpreted as constituting a general right of secession.

28. In that context, he noted that influential decisions and documents on self-determination had established that a successful claim for self-determination must show that the secessionists were a people, that the State from which they were seceding had seriously violated their human rights and that there were no other effective remedies under domestic or international law.

29. In the case of Transnistria, none of the above-mentioned conditions had been satisfied. The ethnic makeup of Transnistria was the same as that of the rest of Moldova. The Republic of Moldova was fully committed to the observance of human rights and had implemented international human rights instruments, whereas the Transnistrian region was characterized by a lack of due process, persecution of religious minorities and retaliation against political dissenters.

30. The conflict had become deadlocked not because there were no other options available but because separatists had chosen to make the conflict seem intractable by repeatedly refusing all options short of sovereignty. The Transnistrian leadership had attempted to aggravate ethnic tensions and then had claimed that separation was necessary to avoid ethnic conflict and genocide. Accordingly, the fundamental requirements for a legal claim of secession had not been met.

31. The Transnistrian separatist leaders had recently organized the third referendum on independence since the early 1990s, stating that a referendum showing that the population favoured independence would be legally binding. In such cases, however, it was the central Government which should decide: that was the nature of sovereignty.

32. **Mr. Gregoire** (Dominica), speaking on behalf of the Member States of the Caribbean Community (CARICOM), said that the CARICOM States acknowledged the important work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and supported the continuation and expansion of his efforts within the context of the Human Rights Council. They also took note of the important developments outlined in the report of the Secretary-General on the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/61/337).

33. The CARICOM States were actively engaged, within the framework of OAS, in the preparation of a draft inter-American convention against racism and all forms of discrimination and intolerance, which addressed a range of issues across the spectrum of racism and racial discrimination. CARICOM also recognized the initiatives that were currently under way between one Caribbean Non-Self-Governing Territory and its former colonial Power for the repatriation to the Territory of archival material and artefacts, as referenced in General Assembly resolution 60/117. The launching of the first Black Parliament of the Americas to foster representation in the legislative bodies of the countries of the hemisphere was another important development in addressing issues of racism and racial discrimination.

34. He drew attention to the CARICOM initiative to submit a resolution calling for a special event to be held in 2007 marking the 200th anniversary of the abolition of the trans-Atlantic slave trade. Such an event would be consistent with the spirit of the Durban Declaration and Programme of Action and his delegation looked forward to working with all Member States and United Nations organizations to ensure a successful commemoration in 2007.

35. **Mr. Hijazi** (Observer for Palestine) said that the Palestinian people's plight with racism had been going on for almost 100 years, and it had been 58 years since they had been forcibly expelled from their historical homeland. Israel, the occupying Power, had adopted racial discrimination as a doctrine when dealing with the Palestinian people, as evidenced in the way in which it dealt with the right of Palestinian refugees to

return to their homeland. That discrimination was all the more evident when Israel's policies towards non-Palestinians were taken into account. Israel continued to deny those refugees their rights, including the right to return to the homes from which they had been forcibly expelled. In the meantime, it enacted laws granting others the right to a so-called return based on religion and race, granting the right of immigration and citizenship to any person of the Jewish faith born anywhere in the world. Another stark example of the institutional discrimination in Israeli law was the law forbidding Israeli citizens from residing in Israel if their spouses carried a Palestinian identification card.

36. More recently, the Israeli Prime Minister had invited Avigdor Lieberman, Israel's most racist politician, to join the Government as his deputy and Minister of Strategic Affairs. The silence of the international community in that regard was regrettable.

37. The Occupied Palestinian Territory, including East Jerusalem, had been shackled by the Israeli military occupation for the past 39 years. Israel adamantly refused to recognize the applicability of international humanitarian law and human rights law to the Occupied Palestinian Territory, in open defiance of the will of the international community. The notorious Israeli-only road system was part of the institutional discrimination that the occupied Palestinian nation suffered. On illegally expropriated Palestinian land, the Israeli occupation regime had funded and defended the creation of exclusively Jewish settlements, in grave violation of the Fourth Geneva Convention of 1949 and the International Convention on the Elimination of All Forms of Racial Discrimination of 1966, to which Israel was a Party.

38. The colonial wall which Israel, the occupying Power, had erected in the West Bank, including East Jerusalem, was a key example of the Israeli Government's racist ideology of separation and exclusivity and its rejection of the establishment of an independent Palestinian State. The Wall also stood as disgraceful evidence of the inability of the international community to apply and ensure respect for international law.

39. There was no worse manifestation of racism than denying a people their inalienable right to self-determination. Israel, the occupying Power, continued to practise its racist policies towards the Palestinian people by denying them their inalienable right to self-determination, return and a dignified life in their homeland. It was incumbent on the international community to work diligently to ensure that the Palestinian people were able to exercise their right to live in peace like other nations. In order to cleanse itself of racism, Israel must begin by recognizing its historical responsibility for the pain and suffering that it had caused the Palestinian people.

40. **Mr. Maqungo** (South Africa) said that South Africa viewed with deep concern the continued occupation of Palestinian territory by Israel in contravention of international law. Its violations of human rights and international humanitarian law, including the continued construction of the Wall in contravention of the ruling of the International Court of Justice, did not bode well for a comprehensive solution to the Israeli-Palestinian conflict. Israeli military actions in Gaza during the past summer following the capture of an Israeli soldier by Palestinian militants were disproportionate and excessive. South Africa called on the kidnappers of Corporal Gilad Shalit to release him. Similarly, it called on Israel to release the Hamas Cabinet ministers and the Speaker of the Palestinian Legislative Council who had been arbitrarily detained.

41. South Africa condemned the Israeli Government's bombardment of Gaza and called on Israel to cease forthwith such acts and to uphold international law. The Government of Israel must dismantle settlements and desist from further expansion in the occupied Territory and should do so through direct negotiations with the Palestinian Authority. Israel's continued policy of de-Palestinization of Jerusalem should also cease. South Africa reiterated its call to both the Government of Israel and the Palestinian Authority to seek a peaceful solution to the conflict in the Middle East, since only a political solution through a negotiated settlement, based on a two-State policy, could guarantee a just, lasting and comprehensive peace. South Africa supported the internationally agreed consensus on United Nations Security Council resolutions 242 (1967) and 338 (1973). It also reaffirmed its support for the call of the African Union to the international community and, in particular, the members of the Quartet, to reactivate their plan so as to pave the way for a return to the negotiating table in accordance with the principles of international law and the resolutions of the Security Council, in order to

achieve a lasting and comprehensive solution to the Israeli-Palestinian conflict on the basis of two States living side by side in peace and security.

42. **Ms. Bouhamidi** (Morocco) said that her country had always opposed all forms of racism and racial discrimination, as reflected in its signing of the International Convention on the Elimination of All Forms of Racial Discrimination and its support for the provisions of the Durban Declaration and Programme of Action of the World Conference against Racism, and called for the full implementation of those instruments by the international community. The spread of ideas based on discrimination, exclusion, hatred and violence, especially towards women, immigrants and minorities was regrettable. Better mutual understanding could only be achieved through constructive and fruitful dialogue between civilizations, religions and cultures. In that regard, Morocco had supported various international initiatives and participated actively in a series of conferences aimed at bridging the gap between religions and civilizations.

43. It had taken many measures to ensure the full and complete respect of the rights of all citizens, regardless of their religion, language or gender, including by joining the Tripartite Forum on Interfaith Cooperation for Peace, along with some United Nations agencies and many religious organizations. The purpose of the Forum was to develop ways and means to affirm the role of interreligious and intercultural cooperation and to identify new ways to address interreligious, intercultural and intercivilizational issues and concerns.

44. The principle of equality before the law was entrenched in the Moroccan Constitution and laws had been passed to punish all acts of discrimination. A new Family Code recognized the principle of equality between the sexes, preserved women's dignity and guaranteed the rights of the child, and other initiatives had been taken to safeguard the country's cultural and linguistic diversity. At the international level, however, much remained to be done to bridge the gap between religions and civilizations and create a more conducive climate for sustainable and peaceful coexistence.

45. **Ms. Joseph** (Saint Lucia) noted that the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had an obligation to promote the realization of the right of all peoples to self-determination. Despite the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples and, over the years, of numerous General Assembly resolutions for the eradication of colonialism, completion of the self-determination process for the remaining Non-Self-Governing Territories continued to elude the international community. His Government strongly urged that the unfinished agenda of the self-determination of those territories should be taken up in all relevant United Nations bodies, including the Human Rights Committee and the Human Rights Council.

46. To that end, the Chairman of the Special Committee on Decolonization had set forth a Plan of Implementation of the Decolonization Mandate, contained in document A/60/853-E/2006/75, which articulated the extensive mandate of the self-determination process and identified where specific actions should be taken. The international community needed to give substance to those initiatives, in particular through the actual implementation of relevant United Nations mandates, so that the peoples of the remaining Non-Self-Governing Territories could share the fruits of universal self-determination.

47. **Mr. Afifi** (Egypt) said that failure to uphold the right to self-determination was in flagrant contradiction to the principles of democracy and respect for human rights. Rather than an act of charity granted by the international community to peoples living under the yoke of colonialism or foreign occupation, the right to self-determination recognized the right of those peoples to fight against colonialism by all means available, including armed attack, a right just as sacred as the right to self-defence, as guaranteed by the United Nations Charter. It was therefore necessary to join efforts in supporting peoples struggling against colonialism and to ensure that countries complied with their commitments in matters of international humanitarian law, particularly those pursuant to the Fourth Geneva Convention. In that context, it was necessary to relaunch the peace process in the Middle East on the basis of the creation of an independent Palestinian State, thus enabling the Palestinian people to exercise all their legitimate rights and, above all, their right to self-determination.

48. It was also imperative to put an end to any form of embargo. The embargo that Israel was trying to

impose in order to sow discord undermined the unity of the Palestinian people and sought to limit the Palestinian people's chances of achieving independence and development. It was incumbent on the international community to ensure Israel's withdrawal from all Arab territories occupied since 1967, both in the Syrian Arab Republic and Lebanon, and to request Israel to discontinue its daily aggression against the Arab peoples in Palestine and Lebanon. In particular, it was crucial that the Security Council should adopt all measures necessary to ensure respect of international humanitarian law in all countries, without exception.

49. While the international community had made progress in protecting and promoting human rights, its work could not be complete as long as double standards, politicization and selectivity continued to be applied in human rights issues, particularly self-determination. Despite the optimism exhibited when the Human Rights Council had been established, no success would be achievable unless the Council eliminated racial discrimination. Furthermore, the failure of the Security Council to maintain peace and security in Palestine and Lebanon had given rise to an upsurge of violence in the region and, as a result, the Council had not been able to react in due time. Neither had it been able to adopt a resolution protecting the Arab population in Palestine and Lebanon from aggression from the occupying forces and upholding their right to self-determination. On 27 September 2006, the Arab States had called on the Security Council, requesting it to fulfil its responsibilities in the Middle East and to guarantee the peoples of the region their natural right to self-determination and the right to coexist with neighbouring countries according to the pre-1967 borders in a climate of peace and security.

50. **Mr. Maia** (Brazil), responding to allegations contained in the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333), said that the adoption of the United Nations Declaration on the Rights of Indigenous Peoples was a major achievement and Brazil recognized the invaluable contribution of indigenous peoples to its political, economic, social and cultural development. The Declaration reaffirmed that the rights of indigenous peoples should be exercised in a manner that respected the political unity and territorial integrity of the sovereign and independent States in which they lived.

51. The conclusions of the Human Rights Committee did not accurately reflect his Government's achievements on indigenous rights. Over past years, it had handed over a considerable portion of land to the indigenous peoples and the alleged eviction of indigenous peoples from their land concerned only two isolated cases that were being reviewed by the courts.

52. In the area of education, many young indigenous people were attending schools, and also universities. The national health programme was focused on expanding drinking water supply, conducting vaccination campaigns and promoting access to medical and hospital facilities for indigenous peoples. The Government had organized a conference on indigenous peoples with the full participation of representatives of tribal groups and other organizations. The outcome of that conference and specific recommendations from indigenous delegates would be taken into account in the development of government policy and priorities.

The meeting rose at 5.30 p.m.